

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GAYATHRI MURTHY,

Murthy,

v.

ABBOTT LABORATORIES,

Defendant.

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CIVIL ACTION NO. 4:11-cv-105

ORDER

Pending before the Court is Defendant Abbott Laboratories' Motion to Dismiss Plaintiff Gayathri Murthy's Complaint. (Doc. No. 16.) In her response to Defendant's motion, among other arguments, Plaintiff contends that, because § 82.007 of the Texas Civil Practice and Remedies Code is a defensive statutory presumption, "there is no requirement for a plaintiff to anticipate and negate it in her Complaint." (Resp. at 10, Doc. No. 24.) The Court requests that Plaintiff submit additional briefing on this issue by August 28, 2011. Defendant should file any response to Plaintiff's briefing that it wishes to submit by September 2, 2011.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 18th day of August, 2011.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE